


Plaintiff has responded in opposition to defendant's motion. *Pro se* plaintiffs are entitled to have their filings construed liberally. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). The Court construes plaintiff's opposition as a request for leave to amend his complaint. Leave to amend a pleading should be freely given and denied only when amendment would be prejudicial to the opposing party, when there has been bad faith, or when amendment would be futile. *Edwards v. City of Goldsboro*, 178 F.3d 231, 242 (4th Cir. 1999) (citation omitted). There are no allegations of bad faith against plaintiff. Nor has defendant demonstrated that it would be prejudiced with an amended complaint or that amendment would be futile. Conversely, plaintiff would be severely prejudiced if not given the opportunity to file an amended complaint that properly names the United States of America as the defendant as it would result in dismissal of his case. Leave to amend is therefore proper.

CONCLUSION

For the foregoing reasons, defendant's motion to dismiss [DE 19] is DENIED WITHOUT PREJUDICE. Mr. Bunting is directed to file an amended complaint that names the United States of America as the sole defendant by July 10, 2020. Defendant may refile its motion to dismiss against the amended complaint.

SO ORDERED, this 15 day of June, 2020.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE